

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

GREG HALL,

Appellant

v.

LOWELL FOX AND GINA FOX, ET AL.

Respondents

DOCKET NUMBER WD76147

DATE: APRIL 1, 2014

Appeal From:

Circuit Court of Buchanan County, MO
The Honorable Keith Bradley Marquart, Judge

Appellate Judges:

Division Three
Anthony Rex Gabbert, P.J., Victor C. Howard, J., Zel Fischer, Sp. J.

Attorneys:

Charles Gregg Larson, St. Joseph,

Counsel for Appellant

Attorneys:

William Walker Bird, St. Joseph,

Counsel for Respondents

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

GREG HALL,

Appellant,

v.

LOWELL FOX AND GINA FOX, ET AL.,

Respondents.

WD76147

Buchanan County

Before Division Three Judges: Anthony Rex Gabbert, P.J., Victor C. Howard, J., Zel Fischer, Sp. J.

Greg Hall appeals the circuit court's judgment that he breached his contract on the construction of an addition for the Abbey Woods Nursing Home. In his sole point on appeal, Hall argues that the circuit court erred in finding that he breached his contract because there was no mutuality of assent to the terms of the contract. Hall contends that the evidence demonstrated a course of conduct where he billed on a time and materials basis and Gina Fox thought there was a fixed price and time of performance contract.

AFFIRM.

Division Three holds:

The circuit court did not err in finding that Hall breached his contract because there is substantial evidence on the record that there was mutual assent to the contract.

Opinion by Anthony Rex Gabbert, Judge

Date: April 1, 2014

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